

REMARKS

No claims are cancelled or added. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art. Each issue raised in the Office Action mailed March 26, 2008 is addressed hereinafter.

I. ISSUES NOT RELATING TO PRIOR ART—INTERVIEW

The Office action at page 2 suggested conducting an interview to help foster a mutual understanding of the parties' positions and assist in the identification of allowable subject matter. The applicants' representative Christopher J. Palermo and Examiner Aaron Strange held a personal interview at the USPTO on December 9, 2008. Applicants thank the examiner for the courtesy of an interview. Claim 1 was discussed in light of Feridun. The parties generally discussed the background of the invention and potential amendment to clarify differences between the claimed invention and Feridun. The Examiner stated an interpretation that the then-pending claim language relating to a symptom could refer to any event in which interest is registered, and asked whether a Rule-Based Markup Language or RBML document could be defined in the claims to distinguish ordinary XML. Applicant's representative presented counter-arguments about how the claims were distinguishable without amendment. No formal agreements were reached.

II. ISSUES RELATING TO PRIOR ART—CLAIMS 1, 3-9, 11-15, 17-20, 22, 24-30, 32-35

Claims 1, 3-9, 11-15, 17-20, 22, 24-30, 32-35 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Feridun et al. (US Patent No. 6,336,139) in view of Muthiyan et al. (US Patent No. 7,328,260). The rejection is respectfully traversed.

Claims 1, 15, 22 and Dependent Claims

Independent claims 1, 15, and 22 each recite both symptom-event rules and problem-diagnosis rules. Further, as claimed, “a symptom comprises an indication of a problem in a network element that results from an event occurring or being true or pertinent data exceeding a

threshold,” and “a problem comprises a certain set of symptoms that occur a prescribed number of times in a specified time interval.” Support for the amendments is found in the specification at least at page 9, paragraph 0027.

Feridun does not provide the two kinds of rules recited in claim 1. The Office Action relies on Feridun 8:15-22 and 9:1-14. Feridun 8:15-22 states that events matching a registration list are sent to the correlation engine. Matching events are any events in which a device has expressed interest by providing a correlation rule. Feridun 9:1-14 has correlation rules that identify situations based on symptom events. A given correlation rule “identifies an abstract situation of which the events it addresses are symptoms … it thus relates disparate events to a more generic problem” (9:9-12). Thus, Feridun describes **one type of rule that identifies particular events as necessarily symptoms for the problem associated with the rule.**

In contrast, in the claimed approach, **a first rule (symptom-event rule) indicates whether events are symptoms of anything, and a second rule (problem-diagnosis rule) indicates whether groups of particular symptoms represent a problem.** With the Feridun approach, received events must be matched in many different combinations against all the correlation rules to determine if any of the rules matches so that a problem is present. In the claimed approach, events that don’t match any problem are quickly eliminated from consideration because they will not pass any of the symptom-event rules. Only those events that pass the symptom-event rules need to be tested against the problem-diagnosis rules. Thus, the Feridun correlation engine must process many events that are not problem symptoms, wasting work. The claimed approach uses a symptom-event rule to pre-filter the events so that only genuine symptom events are matched to problems using the problem-diagnosis rule and thus the claimed rules, symptoms and problems are clearly different from Feridun.

Thus **Feridun requires every different software agent to define and register correlation rules with the correlation engine.** Therefore, the collective intelligence represented by all the rules is spread among many different software agents and cannot be managed in a unified manner. Indeed, with the Feridun system it would easily be possible for

different software agents to register conflicting rules in which one set of events correlates to one kind of problem and the same set of events correlates to a different named problem. In contrast, with the claimed approach an RBML document can define multiple rules (indeed, all rules) in an organized and unified manner, reducing the likelihood of conflicts.

The distinctiveness of the claimed approach is underscored in the Action's contention that the claim feature of "collecting and storing symptom-related data" allegedly corresponds to collecting events in the input queue. (OA, page 3, point 6, bottom.) For the Action, then, all events are symptoms. In the claimed approach, this is not true. Indeed, the contention of the Action (that merely sending "registered for interest" events to the correlation engine is the same as monitoring for symptoms) runs counter to the plain meaning of "symptoms".

Further, **Feridun does not necessarily distribute rules to nodes of different networks**, as claimed. Feridun teaches away from an approach in which a user can request employing a particular rule in managing a second network: in Feridun 7:60-65, correlation modules 52 load automatically based on domain configuration data and then configure themselves at startup time. In the claimed approach, organizing all rules in an RBML document facilitates sending copies of the RBML document to different networks so that multiple networks having different network management computers can use identical copies of a complete RBML document defining all symptoms and problems.

Muthiyan does not cure the deficiencies of Feridun on these points. Muthiyan is cited merely to show XML. However, claim 1 does not recite generic XML but instead recites documents that conform to a Rules-Based Markup Language and include tags for both kinds of rules identified in claim 1. The disclosure as a whole makes clear that RBML documents can define rules relating to symptoms received through events from network elements. Generic XML as provided in Muthiyan does not define such rules. Because Feridun lacks the kinds of symptoms and problems recited in claim 1, and does not have the two types of rules that are claimed, a combination of the references would produce at most an XML file that defines events and correlation rules. But the combination would not provide the particular symptom and

problem approach that is claimed and would not provide an RBML when that term is properly interpreted in light of the specification.

For at least these reasons, claim 1 is allowable over Feridun in view of Muthiyan.

Independent claims 15 and 22 recite the same features as discussed above for claim 1 that distinguish claim 1 from Feridun and Muthiyan, but are directed to an apparatus and a computer-readable medium. Therefore, claims 15 and 22 are allowable for the same reasons set forth above for claim 1.

Claims 11, 32

Each of independent claims 11 and 32 recites specific structure for RBML documents: “... each of the RBML documents comprises a profile block, event block, summary block, corrective action block, and match block, wherein the profile block identifies network profile elements to which a rule applies, wherein an event block defines which events published by a target device may constitute a recognized symptom, wherein the summary block comprises metadata defining what services or systems are entitled to use or execute a rule; wherein the corrective action block defines one or more actions that can and should be taken to correct a problem that has been determined to exist; wherein the match block comprises one or more match statements that may be applied to raw data to either parse or make a determination about the data.” Support is found at least at page 21-22, paragraphs 0068-0073 of the specification.

Neither Feridun nor Muthiyan, individually or in combination, provides the complete subject matter of claims 11 and 32. Feridun has no disclosure of XML or any other markup language. Muthiyan is cited to show XML, but claim 11 and claim 32 recite particular document structure for documents that conform to a Rules-Based Markup Language. Generic XML as provided in Muthiyan does not define such a structure. Because Feridun lacks the kinds of symptoms and problems recited in claim 1, a combination of the references would produce at most an XML file that defines events and correlation rules. But the combination would not provide the particular symptom and problem approach that is claimed, and would not provide an RBML document having the structure recited in claim 11 and claim 32.

For at least these reasons, claim 11 and claim 32 are allowable over Feridun in view of Muthiyan.

Dependent Claims

Each of the other claims depends directly or indirectly from claim 1, 15 or 22. Therefore, each of the other claims inherits and includes each of the features described above for claim 1 that distinguish claim 1 from Feridun and Muthiyan. The dependent claims also recite features that independently render them patentable. For example, claim 4 recites specific kinds of tags and indicators. The proposed combination of references does not suggest the specific tags. Muthiyan describes XML rules for mapping particular hardware configuration of network devices to SNMP objects. The description in Muthiyan would not inform a skilled artisan how to make the particular tags and indicators that are claimed in claim 4. For Claim 8, while Feridun describes actions triggered in response, Feridun does not suggest recommending to a user one or more corrective actions as defined in an RBML document.

Reconsideration is respectfully requested.

III. CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time for two (2) months and otherwise to the extent necessary to make this reply timely filed, is hereby made and the petition for extension of time fee and other applicable fees are submitted herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge

///

///

///

any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: February 25, 2009

/ChristopherJPalermo#42056/

Christopher J. Palermo
Reg. No. 42,056

2055 Gateway Place Suite 550
San Jose, California 95110-1093
Telephone No.: (408) 414-1080
Facsimile No.: (408) 414-1076